REMARKS

Claims 1-15 and 30-43 are pending. Claims 1, 9, 30, and 37 have been amended. Claims 44-47 have been added. No new matter has been introduced. Reexamination and reconsideration of this application are respectfully requested.

In the April 17, 2003 Office Action, the Examiner rejected claims 1-4, 6-15, and 30-43 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,189,008 to Easty et al. ("Easty). Claim 5 was rejected under 35 U.S.C. §103(a) as being obvious over Easty in view of U.S. Patent No. 5,805,804 to Laursen et al. ("Laursen"). These rejections are respectfully traversed.

Embodiments of the present invention are directed to an automatic user preference detection system. A score calculation module determines a score for a media content file distributed by a media content file distribution source. The score is calculated based on a comparison of a length of time in which a user allows the media content file to be played at a user computing device relative to a total length of the media content file. A preference determination module determines a preference file for the user of the media content distribution source. The preference filed is based on previously determined media scores for the user and a determination of local media content files stored on the user computing device. The preference determination module scans the user computing device to determine the local media content files stored on the user computing device. A database stores the preference file for the user of the media content file distribution source. A processing module modifies the preference file based on the score, and further selects a second media content file to distribute to the user based on the preference file.

In the April 17, 2003 Office Action, the Examiner rejected claims 1-4, 6-15, and 30-43 under 35 U.S.C. §102(e) as being anticipated by Easty. The Examiner rejected claim 5 under 35 U.S.C. §103(a) as being obvious over Easty in view of Laursen. The Examiner stated that Easty discloses an automatic user preference detection system having (a) a score calculation module to determine a score for a media content file distribution source; (b) a database to store a preference file for the user, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device; and (c) a processing module to modify the preference file based on the scored. The Examiner further stated that Easty does not disclose use of a user control point, but stated that Laursen teaches use of a remote control as a user control point, and that it would have been obvious to combine the teachings of Easty and Laursen in the direction of claim 5.

Independent claim 1, as amended, recites (with emphasis added):

> 1. An automatic user preference detection system, comprising:
> a score calculation module to determine a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;
> **a preference determination module** to determine a preference file for the user of the media content distribution source, the preference filed being based on previously determined media scores for the user and a determination of local media content files stored on the user computing device, **wherein the preference determination module scans the user computing device to determine the local media content files stored on the user computing device**;
> a database to store the preference file for the user of the media content file distribution source; and
> a processing module to modify the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

Easty discloses a digital media management system for providing digital media

to end users in a network. The system includes a central facility having a central server 11 connected to a central database 12, and a plurality of endpoint servers 13 each connected to an endpoint database 14. [Col. 3, lines 30-35.] Each endpoint server 13 is connected to a communication network 15, to which end users or clients 16 are also connected. The system is used to deliver digital media to the users. An agenting section 13a of the endpoint server 13 communicates with a client agenting section 16a of the client software 16 on a user's PC to act as a personal assistant for the user, recommending contents to the user based on a user profile which reflects the user's preferences. [Col. 4, lines 15-22.] Regarding the user profile, Easty teaches (with emphasis added):

> "User information may be obtained from several sources. First, information may be obtained from a user when he or she subscribes to the service, including the user's name, age, sex, locality and other demographic information. Second, user information may be acquired from the information transmitted by the client relating to the user's activities, such as the identity of the user, contents requested, contents purchased, date and time of each request, actual playing time of requested contents, stop signals, rating of the contents given by the user, other products or services purchased via on-line transaction and so on. Information relating to the user's activities may be referred to as affinity information.
>
> *Actual playing time refers to the portion of a delivered content that is actually played by the user. For example, the content distribution system may allow a delivered content to be stored in a storage device at the user's computer, and allow the user to play (including re-play) the content within a predefined time period such as 24 hours. In such a system, a content delivered to a user may not actually be played or played in its entirety by the user. Thus, the actual playing time for a delivered content is distinguished from the delivering of the content when affinity information is concerned. The ability to monitor actual playing time of a delivered content enhances the accuracy of the user profile and the effectiveness of agenting."*

Laursen discloses a method and apparatus for scalable, high bandwidth storage retrieval and transportation of multimedia data on a network. A service mechanism allows applications to be split such that client services (set-top boxes, personal digital assistants, etc.) can focus on presentation, while backend services running in a

distributed server complex, provide access to data messaging across an absracted interface. Laursen discloses use of a remote control device to control an application program for use with the method and apparatus.

However, neither Easty nor Laursen, alone, or in combination, disclose, teach, or suggest, **a preference determination module to determine a preference file** for the user of the media content distribution source, the preference filed being based on previously determined media scores for the user and a determination of local media content files stored on the user computing device, **wherein the preference determination module scans the user computing device to determine the local media content files stored on the user computing device.**

Easty discloses use of "user profile" which reflects the user's preferences, and that the user's preferences are determined in part by actual playing time of delivered content that is actually played by a user. Easty further discloses that "the content distribution system may allow a delivered content to be stored un a storage device at the user's computer, and allow the user to play (including re-play) the content within a predefined time period such as 24 hours." By scanning the user's hard drive, the preference determination module has the ability to determine media content preferences of the user with minimal user interaction. However, there is no teaching, disclosure or suggestion in Easty of scanning the user computing device to determine the local media content files stored on the user computing device.

Moreover, Easty teaches away from scanning the user's hard drive. Easty teaches:

> "Although referred to as a 'a user,' each computer connected to the

network may be used by a plurality of human users, such as members of a household. Each human user may log onto the system using a unique user ID."

Accordingly, since multiple users use the same computer, scanning the computer for media content files would be nonsensical because there would be no way of determining which of the users preferred which of the media content files. Laursen does not make up for the deficiencies of Easty. Specifically, neither Easty nor Laursen, alone or in combination, disclose, teach, or suggest that **the preference determination module scans the user computing device to determine the local media content files stored on the user computing device.**

User preference ID

Accordingly, applicants respectfully submit that independent claim 1, as amended, distinguishes over Easty and Laursen, alone or in combination. Claims 2-7, and 44 depend, directly or indirectly, from independent claim 1, as amended, and therefore also distinguish over Easty and Laursen, alone or in combination for the same reasons as those set forth above with respect to independent claim 1, as amended. Independent claims 9, 30 and 37, each as amended, each contain limitations similar to those of independent claim 1, as amended, and therefore also distinguish over Easty and Laursen for reasons similar to those set forth above with respect to independent claim 1, as amended. Claims 10-15, and 45 all directly depend from independent claim 9, as amended, and therefore also distinguish over Easty and Laursen, alone or in combination, for the same reasons as those set forth above with respect to independent claim 9, as amended. Claims 31-36, and 46 all directly depend from independent claim 30, and therefore also distinguish over Easty and Laursen, alone or in combination, for the same reasons as those set forth above with respect to

independent claim 30. Claims 38-43, and 47 all directly depend from independent claim 37, and therefore also distinguish over Easty and Laursen, alone or in combination, for the same reasons as those set forth above with respect to independent claim 37.

Accordingly, applicants respectfully submit that rejection of claims 1-4, 6-15, and 30-43 under 35 U.S.C. §102(e), and of claim 5 under 35 U.S.C. §103(a), should be withdrawn.

Moreover, new claims 44-47 further distinguish over Easty and Laursen, alone or in combination. New claim 44 recites (with emphasis added): "[t]he automatic user preference detection system according to claim 1, **wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time, the score calculation module stops calculating the score for each successive media content file**." Stopping the calculation of the score for each successive media content file when the user allows multiple media contents to be played, in their entirety, for a predetermined length of time prevents an incorrect preference file from being determined for a user who has stopped paying attention to media content files played at the user computing device. Neither Easty nor Laursen, alone or in combination, disclose, teach, or suggest stopping calculating the score for each successive media content file when the user allows multiple media contents to be played, in their entirety, for a predetermined length of time. Accordingly, new claim 44 further distinguishes over Easty and Laursen, alone or in combination. New claims 45-47 contain limitations similar to those set forth above with respect to new claim 44, and therefore also distinguish over Easty and Laursen, alone or in combination, for reasons

similar to those set forth above with respect to new claim 44.

Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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APPENDIX

IN THE CLAIMS:

Please amend claims 1, 9, 30, and 37; and add claims 44-47 as follows:

1. (Twice amended) An automatic user preference detection system, comprising:

a score calculation module to determine a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

a preference determination module to determine a preference file for the user of the media content distribution source, the preference filed being based on previously determined media scores for the user and a determination of local media content files stored on the user computing device, wherein the preference determination module scans the user computing device to determine the local media content files stored on the user computing device;

a database to store [a] the preference file for the user of the media content file distribution source[, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device]; and

a processing module to modify the preference file based on the

score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

9. (Twice amended) An automatic user preference detection system, comprising:

a preference determination module to determine a preference file for the user of a media content distribution source, the preference file being based on a score determined based on a comparison of a length of time in which the user allows a media content file to be played at a user computing device relative to a total length of the media content file, previously determined media scores for the user and a determination of local media content files stored on the user computing device, wherein the preference determination module scans the user computing device to determine the local media content files stored on the user computing device;

a database to store a media content preference file for [a] the user of [a] the media content file distribution source; [, the preference file being based on previously determined media scores for the user, a score determined based on a comparison of a length of time in which the user allows a media content file to be played at a user computing device relative to a total length of the media content file, and a determination of local media content files stored on the user's computing device]

a read/write device to read data from and write data to the database; and

a processing module to modify the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

30. (Amended) A method of automatically detecting media content preferences, comprising:

determining a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

storing a preference file for the user of the media content file distribution source, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user['s] computing device, wherein the user computing device is scanned to determine the local media content files stored on the user computing device; [and]

modifying the preference file based on the score[,] ; and

[wherein the processing module further selects] selecting a second media content file to distribute to the user based on the preference file.

37. (Amended) An article comprising a storage medium having stored thereon instructions that when executed by a machine result in the following:

determining a score for a media content file distributed to a user by

a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

storing a preference file for the user of the media content file distribution source, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user['s] computing device, wherein the user computing device is scanned to determine the local media content files stored on the user computing device; [and]

modifying the preference file based on the score[,] ; and

[wherein the processing module further selects] selecting a second media content file to distribute to the user based on the preference file.

44. (New) The automatic user preference detection system according to claim 1, wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time, the score calculation module stops calculating the score for each successive media content file.

45. (New) The automatic user preference detection system according to claim 9, wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time, the score calculation module stops calculating the score for each successive media content file.

46. (New) The method according to claim 30, wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time, no score for each successive media content file is determined.

47. (New) The article according to claim 37, wherein when the user allows multiple media content files to be played, in their entirety, for a predetermined length of time, no score for each successive media content file is determined.